

39. A process according to claim 33 wherein said step for delivering a gelatinous mixture to said mould further comprises adding a volume of gelatinous mixture equal to the internal volume of the mould so that upon solidifying of said gelatinous portion, the surface of the tablet is smooth.

40. A process according to claim 33 wherein said gelling additive is melted at a temperature greater than about 40 °C.

41. A process according to claim 40 wherein said gelling additive is melted at a temperature of between about 40 °C. to 70 °C.--

REMARKS

Claims 21 to 41 are submitted for purposes of one or more interferences between the subject application and the following United States patent applications assigned to Proctor & Gamble Company ("P&G") (and/or any divisional or continuing application that may have been filed based thereon):

Serial No. 60/065,035, filed November 10, 1997 ("035 application")

Serial No. 60/066,571, filed November 26, 1997 ("571 application")

Serial No. 60/072,575, filed January 26, 1998 ("575 application")

Serial No. 60/072,479, filed January 26, 1998 ("479 application")

Applicants have reviewed International Application WO 99/24548, WO 99/24549, and WO 99/24550, all published May 20, 1999, which rely on the aforesaid U.S. applications for priority.

WO 99/24548 relies on the '035, '571, and '575 applications for priority; WO 99/24549 relies on the '035 application for priority; WO 99/24550 relies on the '035 and '479 applications for priority. Applicants assume that the aforesaid U.S. applications (or continuations) are pending and that the claims being presented are the same or similar to the claims of the original applications. Copies of these International Applications are attached for the Examiner's convenience.

The instant application and the three WO 99 published P&G applications disclose and claim the same patentable invention, albeit using different terminology. Both sets of applications, the instant application and the three WO 99 P&G applications, disclose multi-phase detergent tablets which have (i) a compressed phase having a preformed mould or recess in the surface and (ii) a non-compressed phase that is comprised of a pourable material that is poured into the mould and permitted to solidify therein. See the instant application at page 10, lines 20 to 25; WO 99/24548, page 8, lines 9 to 11; page 9, lines 21 to 23; page 4, lines 15 to 16; WO 99/24549, page 6, lines 21 to 24; page 7, lines 10 to 12; page 10, line 35, to page 11, line 1; WO 99/24550, page 8, lines 11 to 13; page 9, lines 4 to 5; page 13, lines 26 to 31.

In the instant application, the pourable material is referred to variously as a melt dispersion (page 31, line 23), an encapsulating material (page 34, lines 3 and 9), a fusible component (page 11, lines 6 to 8) or simply a wax or wax-like substance (page 11, line 16, to page 14, line 8). In the P&G applications, the pourable substance is called a gel or a gelatinous material. See, for example, WO 99/24550 at page 4, lines 17 to 22. Despite the different terminology, both applications refer to the same material.

In both sets of applications, the pourable material is heated in order to liquify it and after the

material is poured into the mould it is allowed to solidify, typically by cooling to ambient temperatures. Compare the instant application, page 10, lines 20 to 25, and page 32, with WO 99/24548, page 4, lines 15 to 18; WO 99/24549, page 10, line 35, to page 11, line 1; WO 99/24550, page 13, lines 26 to 30; page 51, lines 11 to 14.

The viscosities of the pourable materials substantially overlap. In the instant application, the viscosity of the pourable material is preferably 2000 to 150000 mPas (page 10, lines 25 to 29), whereas in WO 99/24548, the viscosity is from 100 to 12000 cP. (1 cP (centipoise) is equal to 1 mPas (millipascal seconds)).

The P&G applications describe their gel as comprised of a detergent active and a thickening system which in turn comprises a diluent and a gelling additive. The P&G preferred diluent is a low molecular weight PEG (200 to 600 mw) and a preferred gelling agent is a PEG with a preferred molecular weight range of about 4000 to about 12000. (See, for example, WO 99/24548, page 3, line 30, to page 4, line 4; page 11, lines 26 to 29; page 13, lines 18 to 20). Similarly, the instant application teaches using PEG's with molecular weights of 400 and 12000 as suitable fusible carrier materials for the detergent active because they will solidify at or above room temperature (page 11, lines 6 to 11).

In summary, whether the terms "melt dispersion" or "gelatinous materials" are used, both parties simply mean a substance that, when heated, is pourable and within a certain viscosity range and which will harden or solidify at ambient or slightly above ambient temperatures.

Two of the International Applications--WO 99/24548 and WO 99/24549--claim detergent tablet compositions whereas WO 99/24550 claims processes for making detergent tablet

compositions. By this preliminary amendment, applicants are adding claims to compositions and processes. Accordingly, it is suggested that two interferences may be appropriate, one directed to compositions and one to processes. Alternatively, the Examiner may prefer to set up a single interference with separate counts for composition and process.

Since two of the P&G International Applications rely on more than one U.S. application for priority, applicants are unable to determine which of the claims originate with which U.S. application. Hence, applicants will propose Markush counts based on the claims of the International applications.

Applicants suggest that the following count of tablet compositions could be employed:

A detergent tablet selected from the group consisting of the tablets according to claim 21 or 28 or 30 of Application Serial No. 09/446,435, and claim 1 or 6 or 7 of Application Serial No. _____, and claim 1 or 6 or 9 of Application Serial No. _____ (based on the claims of WO 99/24548 and WO 99/24549, respectively).

Applicants submit that claims 1 to 10 of WO 99/24548 and claims 1 to 10 of WO 99/24549 correspond to the proposed count. Claims 21 to 32 of the instant application correspond to the proposed count and are supported by the specification, as follows:

Claim 21

21. A detergent tablet comprising
(a) a compressed portion

Page 8, lines 21 to 24, and page
31, lines 25 to 26, disclose a

having therein a mould, and

(b) a non-compressed,
gelatinous portion
mounted in said mould,.

said gelatinous portion comprising
a thickening system and
at least one detergent active.

compressed portion of a
detergent tablet.

Page 29, line 30, to page 30,
line 6, discloses a recess formed
in the compressed portion.

Page 10, lines 20 to 25,
discloses a
melt dispersion being
introduced into a
recess in the compressed
portion of the tablet
and allowed to solidify.

Page 11, lines 6 to 20,
discloses a variety of
ingredients which
serve as suitable
carriers for a
detergent active and
which solidify at or

above room temperature.

Claim 22

A detergent tablet according
to claim 21 wherein the non-compressed
gelatinous portion has an average
viscosity of from 2000 to 15000
mPas as said non-compressed,
gelatinous portion is introduced
into said mould.

Page 10, lines 25 to 29,
disclose a preferred
viscosity within the range
of 2000 to 15000 mPas.

Claim 23

23. A detergent tablet according to claim 21
wherein the non-compressed,
gelatinous portion dissolves more
than 5%, preferably more than 10%,
more preferably
more than 25% and most
preferably more than 50%, faster
than the compressed portion.

The recited differential
dissolution rates are disclosed
at page 3, lines 5 to 10.

Claim 24

A detergent table according to claim 21 wherein said detergent active is selected from the group consisting of soil release compounds, enzymes, bleaching agents, bleach activators, detergents, builders, alkali sources, surfactants, silver protectors, disintegration agents, effervescing agents or mixtures thereof.

These detergent actives are recited at page 4, line 25, to page 6, line 31; page 11, line 9, to page 12, line 17; and page 14, line 21, to page 22, line 12.

Claim 25

A detergent tablet according to claim 21 wherein said thickening system comprises the mixture of a non-aqueous diluent and a gelling agent.

Page 11, lines 9 to 20, discloses carrier materials that P&G's applications describe as appropriate non-aqueous diluents and gelling agents, for example, "polyethylene

glycols with various
molecular weights (PEG
400, 12000)",
lines 10-11.

Claim 26

A detergent tablet according
to claim 21 wherein the
non-compressed, gelatinous
portion includes a dissolution retarder.

Page 21, lines 10 to 17,
and page 6, lines 26 to 31,
disclose that the non-compressed
portion may contain
a dissolution retarder.

Claim 27

A detergent tablet according to
claim 24 wherein said detergent
active is an enzyme.

Page 15, line 30, to page 16,
line 10, discloses inclusion
of an enzyme as a detergent
active.

Claim 28

A detergent tablet according
to claim 24 wherein said

Page 4, line 27, to
page 6, line 25,

detergent active is a disintegration agent

discloses use of a
disintegrating agent.

Claim 29

A detergent tablet according to
claim 28 wherein said detergent
tablet has a dissolution time
shorter than 40 minutes

Page 6, lines 20 to 23,
discloses that if a
disintegration agent is
present, the dissolution
time of the tablet is
shorter than 40 minutes.

Claim 30

A detergent tablet according to
claim 28 wherein said detergent
tablet has a dissolution time
shorter than 10 minutes.

Page 6, lines 20 to 25,
discloses that if a
disintegrating agent is present,
the dissolution time of
the tablet is preferably
shorter than 10 minutes.

Claim 31

A method of washing tableware

Page 1, lines 2 to 5,

in an automatic dishwashing
appliance, said method comprising
treating the tableware in an automatic
dishwasher with a detergent tablet
according to claim 21.

and page 31, lines 21 to
22, disclose use of the
tablets in a dishwasher.

Claim 32

A method of laundering fabric,
said method comprising treating
the fabric with a detergent tablet
according to claim 21

Page 1, lines 2 to 5,
discloses use of the tablets
as a laundry detergent.

As indicated above, claims 21 to 32 find clear support in the instant application. In addition, each corresponds to the proposed count, as do each of the claims of the two P&G International Applications that rely on the '035, '570, '575 applications for priority. Accordingly, applicants request that an interference be declared between the instant application and the '035, '570, '575 applications or any continuing application(s) thereof.

Applicants suggest that the following count to processes for making the detergent tablets could be employed:

A process for preparing a detergent tablet selected from the group consisting of claim 33 or 36 or 38 of Applicant Serial No. 09/446,435, and claim 1 or 6 or 8 of Application Serial No.

_____ (based on the claims of WO 99/24550).

Applicants submit that claims 1 to 14 of WO 99/24550 correspond to the proposed count.

Claims 33 to 41 of the instant application correspond to the count and are supported by the specification as follows:

Claim 33

A process for preparing a
multi-phase detergent tablet
comprising the steps of (a)
compressing a composition comprising a
detergent active component, said
compressed phase having a mould,

Page 29, line 28, to page 30,
line 7, and page 31, line 25,
to page 32, middle of page,
discloses a compressed portion
containing detergent
active ingredients. The
compressed portion has
a recess on one side.

(b) delivering a gelatinous
mixture to said mould to
form a gelatinous portion,
said gelatinous mixture
comprising at least one
detergent active component,

Page 30, lines 8 to 10, and
page 32, middle of page, to
page 23, line 1, discloses
delivering a liquid mixture
of a paraffin and an active
ingredient into the recess
in the compressed portion.

and (c) solidifying said
gelatinous portion.

Page 10, lines 20 to 25,
page 30, lines 8 to 10, and
page 32, lines 23 to 30,
disclose solidifying
of the gelatinous
portion.

Claim 34

A process according to claim 33
wherein said gelatinous mixture is
formed by mixing a thickening system
with at least one detergent active
component.

Page 11, lines 6 to 20,
and page 32, middle of page,
including the chart,
disclose mixing a
thickening system
with a detergent active.

Claim 35

A process according to claim 34
wherein said thickening system
comprises a liquid detergent
and gelling additive.

Page 11, lines 9 to 20,
discloses carrier materials
that P&G's applications
describe as appropriate
non-aqueous diluents

and gelling agents, for example, "polyethylene glycols with various molecular weights (PEG 400, 12000)", lines 10-11.

Claim 36

A process according to claim 33 wherein said compressed phase is compressed by a rotary press.

Page 30, lines 1 to 5, discloses compression of the compressed portion using a rotary press.

Claim 37

A process according to claim 33 wherein said detergent actives are selected from the group consisting of soil release compounds, enzymes, bleaching agents, bleach activators, detergents,

These detergent actives are recited at page 4, line 25, to page 6, line 31, page 11, line 9, to page 12, line 17, and page 14, line 21, to page 22, line 12.

builders, alkali sources, surfactants,
silver protectors, disintegration agents,
effervescing agents or mixtures thereof.

Claim 38

A process according to claim 33
wherein said step of solidifying said
gelatinous portion comprises a cooling step.

Page 10, lines 20 to 25, page 30,
lines 8 to 10, and page 32,
lines 28 to 30, disclose
solidifying by cooling.

Claim 39

A process according to claim 33
wherein said step for delivering a
gelatinous mixture to said mould
further comprises adding a volume
of gelatinous mixture equal to the
internal volume of the mould so that
upon solidifying of said gelatinous
portion, the surface of the tablet
is smooth.

Page 30, lines 5 to 10, discloses
that an amount of a liquid
mixture can be poured in,
so that the surface of the
tablet thereafter will become
smooth upon hardening.

Claim 40

A process according to claim 33 wherein said gelling additive is melted at a temperature greater than about 40 °C.

Page 10, lines 20 to 22, and page 11, lines 16 to 21, disclose that the gelling additive may optionally be heated and that its melting point is generally above 40 °C.

Claim 41

A process according to claim 40 wherein said gelling additive is melted at a temperature of between about 40 °C. to 70 °C.

Page 11, lines 16 to 21, and page 12, line 30, to page 13, line 2, disclose that the gelling additive melts within the range of about 40 °C. to 70 °C.

As indicated above, claims 33 to 41 find clear support in the instant application. In addition, each corresponds to the proposed count, as do each of the claims of the P&G International Application that relies on the '035 and '479 applications for priority. Accordingly, applicants request that an interference be declared between the instant application and the '035 and '479 applications or any continuing application.

Applicants also wish to bring to the Examiner's attention the following U.S. applications of Proctor & Gamble Company, the presumed assignee of the '035, '570, '575 and '479 applications, that disclose and claim subject matter related to the claimed subject matter of these applications.

These include:

Serial No. 60/066,669, filed November 26, 1997 (WO 99/27063, published June 3, 1999)

Serial No. 60/072,549, filed January 26, 1998 (WO 99/27063, published June 3, 1999)

Serial No. 60/066,621, filed November 26, 1997 (WO 99/27064, published June 3, 1999)

Serial No. 60/072,439, filed January 26, 1998 (WO 99/27064, published June 3, 1999)

Serial No. 60/066,964, filed January 26, 1998 (WO 99/27068, published June 3, 1999)

Applicants have become aware of each of these applications by virtue of the publication of the indicated International Applications which rely on the above U.S. applications for priority.

Applicants are also aware of Proctor & Gamble International Application WO/06522, filed August 3, 1998 and published February 11, 1999, which claims as priority Great British Application 9716351.3, filed August 2, 1997. This application has been designated for filing in the United States and applicants assume that a U.S. counterpart application has been filed. The claimed subject matter of this application is not patentably distinct from the claimed subject matter of the other P&G applications.

Applicants are also aware of seven additional P&G International Applications for which P&G has selected the PTO as the Receiving Office and has listed the United States as a Designated State.

WO 00/04115 ("WO '115 application") published January 27, 2000

WO 00/04116 ("WO '116 application"), published January 27, 2000

WO 00/04117 (WO '117 application"), published January 27, 2000

WO 00/04123 (WO '123 application"), published January 27, 2000

WO 00/04124 ("WO '124 application"), published January 27, 2000

WO 00/04128 ('WO '128 application"), published January 27, 2000

WO 00/04129 ('WO '129 application"), published January 27, 2000

Applicant assumes that P&G may have entered each of these applications and/or a continuing application into the national phase in the United States, and that the claims of such applications are the same or similar to the claims of the International Applications

Applicants are copying claims to provoke interferences with each of these Proctor & Gamble applications in other pending, commonly assigned applications that disclose and claim related subject matter. The other pending applications owned by applicants' assignee, Henkel KgA, are as follows:

Application Serial No. 09/446,577, Filed December 22, 1999

Application Serial No. 09/446,578, Filed December 22, 1999

Application Serial No. 09/446,436, filed December 22, 1999

Application Serial No. 09/446,481, filed December 22, 1999

Application Serial No. 09/446,434, filed December 22, 1999

Application Serial No. 09/446,566, filed December 22, 1999

Application Serial No. 09/446,451, filed December 22, 1999

Application Serial No. 09/446,579, filed December 22, 1999

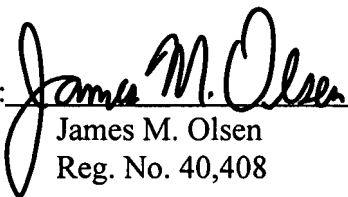
In the event the Examiner has any questions regarding this amendment and the request for interference, please contact the undersigned.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 03-2775. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

CONNOLLY BOVE LODGE & HUTZ LLP

Date: May 16, 2000

By: 
James M. Olsen
Reg. No. 40,408

1220 Market Street
P.O. Box 2207
Wilmington, DE 19899
Tel.: (302)-888-6256
Fax: (302)-658-5614